

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LAWRENCE JENSEN,

Defendant.

CR 15–15–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Regarding Revocation of Supervised Release. (Doc. 100.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found, based on Defendant’s admissions at the hearing, that Defendant violated two conditions of supervised release: the special condition that

he abstain from the consumption of alcohol (Special Condition 3) and the standard condition that he truthfully answer the questions asked by his probation officer (Standard Condition 4). (Doc. 100 at 2.)

Judge DeSoto recommends that this Court revoke Defendant's supervised release and sentence him to seven (7) months custody, followed 26 months of supervised release. (*Id.* at 2–3.)

The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 100) is ADOPTED in full.

Defendant shall be sentenced in conformity with Judge DeSoto's recommendation in the judgment filed concurrently with this Order.

DATED this 17th day of January, 2025.



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Dana L. Christensen, District Judge  
United States District Court